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10/500,130	06/25/2004	Ryosuke Miyamoto	03500.017020.	7158

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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ZHU, RICHARD Z

ART UNIT	PAPER NUMBER
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2625

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07/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,130	<b>Applicant(s)</b> MIYAMOTO, RYOSUKE	
	<b>Examiner</b> RICHARD Z. ZHU	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9,12,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9,12,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Acknowledgement***

1. Acknowledgement is made of applicant's amendment made on 06/23/2009. Applicant's submission filed has been entered and made of record.

***Status of the Claims***

2. Claims 1, 3, 5-7, 9, 12, 17, and 19-20 are pending.

***Foreign Priority***

3. The instant application made foreign priority claims to Japanese applications JP 2003-021040 filed on 2003/01/29 and JP 2002-040449 on 2002/02/18. It is unclear to the examiner whether or not the limitations required by the claim is fully disclosed by JP 2002-040449 because the specification is understood to be a translation of a synthesis of the two Japanese applications. Thus, the foreign priority date of 2002/02/18 is not granted for examination purpose. Therefore, in order to disqualify *Sakakibara* (US 6476728 A, qualified under 35 USC 102(a) and (e) as prior art) and *Goto et al.* (US 2002/0140964 A1, 35 USC 102(a)) from being use in any future rejection, the applicant is recommended to file a translation of JP 2002-040449 to perfect the foreign priority claim.

***Response to Applicant's Arguments***

4. In light of the amended limitations and applicant's arguments, previous grounds of rejections are withdrawn and new grounds of rejections are entered.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 6-7, 9, 12, 17, and 19-20 are rejected under 35 USC 103(a) as being unpatentable over *Furukawa (US 6029238 A)* in view of *Kon (JP 06-264651 A)*.

**Regarding the apparatus of Claim 1 and therefore the method of Claim 12,** *Furukawa* discloses an image processing apparatus (**Fig 1, digital copiers 15 or 16**) having a plurality of operation modes including a first mode for outputting image data read by an image reading unit (**Col 6, Rows 40-55, a image reading part for converting a document into image data**) and a second mode for outputting print data received from outside of the image processing apparatus (**Col 6, Rows 57-65, when the digital copier is in printer mode, a communication controller receives data to be printed over a network**), the image processing apparatus comprising:

a specifying unit (**Fig 4, Hardware Main Controller 61 and Fig 7, Software Printer Manager 305**) that specifies user identification information which identifies at least one of a user that uses the image processing apparatus (**Fig 30, status output of a copier comprising information pertaining to a "User"**) and a department to which the user belongs (**Fig 30, "Dealer"**);

a calculation unit that calculates a power consumption amount of the image processing apparatus for the specified user identification information (**Fig 30, “Consumptive Power” and “User” in view of Col 21, Rows 55-56. Because the CPU is disclosed to be in control of everything, the CPU is presumed to have made the calculations as shown on Fig 30);**

a memory unit that stores a power consumption status information for said each of the plurality of operation modes (**Col 7, Rows 5-10 and Col 16, Rows 33-36 in view of Fig 30. For example, information pertaining to "Consumptive Power" associated with the mode "Both Side Copy" is recorded and transmitted to an external host computer. Presumably, the information is created and stored in a memory associated with the CPU);**

a preparation unit that prepares statistical information concerning the power consumption status information of the image processing apparatus for the specified user identification information calculated by said calculation unit (**Fig 7, Printer Manager 305 and see Col 9, Rows 3-14, the printer manager sends status information, such as the table in Fig 30, to host computer when requested to do so by the host computer or within a predetermined time period);**

an output unit that, when the user identification information is specified by said specifying unit, performs output of the statistical information for the specified user identification information prepared by said preparation unit (**Fig 4, Communication**

**Controller 70 and see Col 6, Rows 57-65 for receiving and transmitting information from and to outside clients).**

*Furusawa* does not disclose a timing unit that times an operation time for each of the plurality of operation modes and an operation time for the user identification information specified by said specifying unit during operation of the image processing apparatus and calculation unit that calculates a power consumption amount of the image processing apparatus for the specified user identification information by multiplying the power consumption amount per unit time stored by a memory unit and the operation times timed by said timing unit.

*Kon* discloses an image processing apparatus having a plurality of operation modes **(Paragraph 8, Printer 6, having operation modes A, B, C, and D, see Paragraph 16)** comprising:

a timing unit that times an operation time for each of the plurality of operation modes and an operation time for an operator during operation of the image processing apparatus **(Paragraph 19, timer controlling section 16 and see Drawing 2, Paragraphs 16 and 21, measuring an operation time for each of the modes specified by an operator during the execution of said modes);**

a memory unit that stores a power consumption amount per unit time for each of the plurality of operation modes **(Paragraph 21, RAM 15 stores power consumption for each of the modes A, B, C, and D);**

calculation unit that calculates a power consumption amount of the image processing apparatus for the specified operator based on the power consumption amount per unit time stored by said memory unit and the operation times timed by said timing unit (**Paragraph 16, printing controller 11 and see paragraph 22, calculate total power consumption on the basis of time and power consumption per unit time or watts per second**);

preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus calculated by said calculation unit (**Drawing 3 and see Paragraph 22, statistical information involving the total cost of power consumption used by the printer during its operation. This is done by printing controller 11**);

output unit that performs an output of the statistical information prepared by said preparation unit (**Paragraph 22 and see Drawing 4, display for indication 20**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the digital copier of *Furusawa* to have the functions of the timing unit, memory unit, calculation unit, and preparation unit as taught by *Kon* that would result in a real time measurement of power consumption of a printer associated with a specified user identification information when its operating in its plurality of modes such as reading mode and printing mode whereas the motivation would've been to collect information about power consumption of the image processing apparatus in order to be employed by a system manager for the purpose of energy saving (*Kon, Paragraphs 3-4*).

**Regarding the computer program on a computer readable medium, *Furusawa*** discloses a program implemented by CPU on a program memory (**Col 7, Rows 5-10**).

**Regarding Claim 3, *Furukawa*** discloses management unit that manages user identification information by associating the user identification information with power consumption status information (**Fig 30**).

***Kon*** discloses the preparation unit prepares the statistic information based on the timed operation times (**Drawing 2 and see Paragraphs 9+19**), the power consumption amount per unit time for said each of the plurality of operation modes (**Paragraph 22, collecting power consumption on the basis of watt/second**).

***Furukawa*** as modified by ***Kon*** would have an apparatus that manages user identification information by associating user identification information representing said operator or user with power consumption statistics that includes operation times timed by the timing means with respect to all the requests made by said operator in order to minimize power consumption. For example, instead of the simple statistics pertaining to power consumption of the current mode as shown in Fig 30, the modification would encompass power consumption of all modes as shown in Drawing 3 of ***Kon***.

**Regarding Claim 6, *Furukawa*** discloses the image processing apparatus wherein the first mode is a copy mode (**Col 6, Rows 40-56**) and the second mode is a printer mode (**Col 7, Rows 12-20**).

**Regarding Claim 7, *Furukawa*** discloses wherein said output unit outputs the prepared statistical information concerning power consumption to a display unit during



designated processing for designating the operation mode or during execution of the operation mode (**Col 7, Rows 50-53, LCD 64 to display digital copier status**).

**Regarding Claim 9, *Furukawa* discloses an information processing apparatus capable of communicating with the image processing apparatus (Fig 1, Host Computers connected to Digital Copiers).**

**Regarding Claim 19, *Furukawa* discloses wherein, when the user identification information is specified by said specifying unit (Col 13, Rows 43-67, the host computer sends a MAC address identifying itself to the digital copier so that an image reader manager within the digital copier is able to send its status to the host computer. In view of Fig 30, it can be seen that user identification and corresponding power consumption is indicative of that fact that statistical information are compiled according to specified user identification information), said output unit performs the output of the statistical information prepared for the specified user identification information and the statistical information prepared for other user identification information (Col 9, Rows 3-13 in view of Fig 1, Host Computers WS1 and WS2. If each host computer has a distinct user, then the status update to respective computers would've been prepared in accordance to respective user identification information).**

**Regarding Claim 20, *Furukawa* discloses wherein said preparation unit does not add, to the statistical information for any user identification information, the power consumption amount during at least one of a standby mode and a sleep mode (Fig 25, no**

**power consumption information during copier status “FAX”, at least a standby mode for the copier).**

7. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Furukawa (US 6029238 A)* and *Kon (JP 06-264651 A)* in view of *Alsop (US 6795829 B2)*.

*Furukawa* discloses sending prepared statistic information concerning power consumption to a terminal apparatus external to the information processing apparatus (**Col 9, Rows 3-13, printer manager 305 sends status information to the host computers**).

However, said combined teachings does not wherein said output means sends the statistical information to a terminal apparatus external to said image processing apparatus as a markup language.

*Alsop* discloses in Fig 1, a central computer 2 that act as a fulcrum to exchange information with various devices in a network. Furthermore, *Alsop* discloses in (**Col 4, Rows 20-25**) that markup language HTML can be employ as the protocol to communicate information over the network to an external terminal apparatus (**Fig 1**).

*Alsop* is the field of communicating information comprising user identification, power consumption, time value, and etc (**Fig 2 and Fig 3**) to external terminal apparatus.

It would've been obvious to one of ordinary skill in the art at the time of the invention to configure the output means of the combined teachings to communicate statistical

information to a terminal apparatus using markup language as suggested by *Alsop* in order to properly communicate information over a network or server.

Therefore, it would've been obvious to combine *Alsop* with the combined teachings to attain the invention of Claim 5.

### ***Conclusion***

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ<sup>2</sup>  
07/22/2009

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